

# Information Sheet

## Imperial County Federal Highway Funding Restrictions

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August 6, 2012

### Today's Action

- Today, the Federal Highway Administration (FHWA) notified the California Department of Transportation (Caltrans) that federal highway funding restrictions will begin on August 9, 2012 in Imperial County for highway construction projects whose funds have not yet been awarded by FHWA by that date. Projects that have already had funds awarded before August 9, 2012 may proceed if no other FHWA action is required. This action will result in no job loss and no impact on transportation projects if the funding restrictions are removed as anticipated within the next six months.

### Background

- Imperial County is a serious PM-10 nonattainment area which continues to have exceedances of the health-protective national ambient air quality standard. Elevated levels of PM-10 in the air can lead to aggravation of respiratory and cardiovascular disease, asthma, decreased lung function and premature death.
- As a serious PM-10 nonattainment area, Imperial County Air Pollution Control District (ICAPCD) must adopt and enforce regulations that require significant sources of PM<sub>10</sub> to use best available control measures (BACM) to control fugitive dust, and hence PM<sub>10</sub>, from agriculture, construction, recreational off-highway vehicle (OHV) activity, unpaved roads and other local sources.
- EPA issued a limited approval/limited disapproval of ICAPCD's dust rules on July 8, 2010. The Clean Air Act requires that 24 months after the effective date that rules are disapproved, if the deficiencies identified by EPA are not adequately addressed, federal highway funding restrictions, or sanctions, are placed on the PM-10 nonattainment area. Revised Imperial PM-10 rules have not been submitted to EPA; thus federal highway funding restrictions will begin on August 9, 2012.
- ICAPCD and State Parks disagreed that rule improvements were needed and challenged EPA's disapproval action in the United States Ninth Circuit Court of Appeals. On February 17, 2012, the Ninth Circuit directed the parties to resolve the dispute through mediation.
- On July 27, 2012 EPA, ICAPCD and State Parks reached a settlement agreement on several rule improvements to fulfill the best available control measures requirements. More information on the settlement and opportunities to provide public comment is available at: <http://www.epa.gov/region9/air/actions/ca.html#iv>.

### Next Steps

- To stay the highway funding restrictions, ICAPCD must adopt, California Air Resources Board must submit, and EPA must propose to approve rule revisions that address the deficiencies identified in EPA's July 8, 2010 final action. This process is expected to take four to six months. There will be several opportunities for public comment on the settlement agreement and the associated rule revisions.